

Applicant(s): SMITH et al.

Group Art Unit: 1646

Serial No.: 09/813,345

Filed: 20 March 2001

For: METHODS FOR INHIBITING CGRP BINDING (as previously amended)

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**Remarks**

The final Office Action mailed 18 August 2003 has been received and reviewed. Claims 34 and 35 having been amended, and claims 21-26, 29-33, 36-47, and 54-55 having been allowed, the pending claims are claims 21-26, 39-47, 54 and 55. Reconsideration and withdrawal of the rejections are respectfully requested.

**Allowed Claims**

Applicants thank the Examiner for indicating that claims 21-26, 29-33, 36-47, 54, and 55 are allowable.

**Sequence Listing**

Applicants are unclear what the Examiner was referring to with regard to the statement that "the CFR submitted by Applicants could not be processed by the Scientific and Technical Information Center (STIC) for the reason(s) set forth on the attached CFR Diskette Problems Report."

However, in efforts to comply with the requirements of the sequence rule, Applicants regenerated the sequence listing (using PatentIn 3.2) after changing <213> from "Artificial" to "Artificial Sequence" and then ran this newly generated Sequence Listing through Checker 4.0. The Sequence Listing was completely successful with no errors. Applicants believe the error has now been corrected and submit herewith a substitute Sequence Listing and identical computer readable disk. No new matter is presented in either of these items.

**Information Disclosure Statement**

In follow up to the request made in the Amendment and Response as filed on 18 July 2003, Applicants again request a copy of the initialed 1449 for the Ling et al. citation, "Synthesis of Antigenic Determinant Tyr-CGRP=(27~37) of Calcitonin Gene-Related Peptide," *Chemical Abstracts*, 122(15):1117, Abstract No. 122:188122f (1995). This citation was

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originally listed on the 1449 mailed 20 March 2001. The 1449 form was considered and initialed by the Examiner (received with a previous Office Action mailed 26 September 2002), however, the Ling et al. citation was lined through on the PTO-1449 and was not considered by the Examiner. The Examiner provided no explanation for lining through this citation.

With the previous Amendment and Response mailed 26 December 2002, then again with the Amendment and Response mailed 18 July 2003, Applicants provided Exhibit A, which included a copy of page 3 of the PTO-1449 (mailed on 20 March 2001) and a copy of the Ling et al. abstract. Applicants requested that the Examiner consider Ling et al., "Synthesis of Antigenic Determinant Tyr-CGRP=(27~37) of Calcitonin Gene-Related Peptide," *Chemical Abstracts*, 122(15):1117, Abstract No. 122:188122f (1995). Or, if the Examiner was unable to consider the Ling et al. abstract, Applicants requested that the Examiner provide an explanation of why he was unable to do so.

***Applicants respectfully repeat their request that the Examiner consider the Ling et al., abstract and so indicate on the PTO-1449. Or, if the Examiner cannot consider this reference, he is respectfully requested to explain why he is unable to do so.***

**The 35 U.S.C. §112, Second Paragraph, Rejection**

The Examiner rejected claims 34 and 35 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In consideration of the amendments made herein to claims 34 and 35, Applicants believe this rejection has been overcome and claims 34 and 35 are in condition for allowance.

**Amendment and Response under 37 CFR 1.116**

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**Summary**

In consideration that claims 21-26, 29-33, 36-47, 54, and 55 have been allowed, and claims 34 and 35 have been amended, Applicants respectfully submit that all pending claims 21-26, 29-47, 54, and 55 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for  
Derek David SMITH et al.

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September 16, 2003  
Date

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**CERTIFICATE UNDER 37 CFR §1.10:**

"Express Mail" mailing label number: EV 073 686 721 US Date of Deposit: 16 SEPTEMBER 2003

The undersigned hereby certifies that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Sam Her  
Printed Name: SAM HER

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